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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,053	03/10/2004	Hiroshi Tanaka	1259-0245P	4754
2292 7590 09/24/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER NGUYEN, LUONG TRUNG	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 09/24/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,053	<b>Applicant(s)</b> TANAKA, HIROSHI	
	<b>Examiner</b> LUONG T. NGUYEN	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/10/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested:

SYSTEM AND METHOD OF PHOTOGRAPHY USING DIGITAL CAMERA  
CAPABLE OF DETECTING INFORMATION ON A PHOTOGRAPHED SITE.

### ***Claim Objections***

3. Claims 7-12 are objected to because of the following informalities:

Claim 7 (lines 20-21), "said camera position data" should be changed to --said digital camera position data--.

Claim 6 (lines 9-10), claim 12 (lines 9-10), "said support member" should be changed to --said support members--.

Claims 8-12 are objected as being dependent on claim 7.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura et al. (US 5,913,078).

Regarding claim 1, Kimura et al. discloses a photography system using a digital camera (camera 251, figure 52) and a position detecting unit (GPS 245 and transmitter 246, figure 52), said position detecting unit being disposed close to an object (figure 52, column 38, lines 50-57), said photography system comprising:

a first position detecting device (GPS 245, figure 52, column 38, lines 50-57) for detecting latitude and longitude coordinates of said object to generate object position data from information on said latitude and longitude coordinates of said object; and

a transmitting device (transmitter 246, figure 52, column 38, lines 50-57) for transmitting said object position data to said digital camera,

wherein said digital camera includes:

an image pickup device (included in camera 251, figure 52) for photographing said object and outputting image data;

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a receiving device (receiver 248, figure 52, column 38, lines 15-30) for receiving said object position data;

a second position detecting device (azimuth sensor 233, inclination sensor 234, figure 52, column 38, lines 15-39) for detecting said latitude and longitude coordinates of said digital camera to generate digital camera position data from information on said latitude and longitude coordinates of said digital camera;

calculating means for calculating camera azimuth (azimuth sensor 233, figure 52, column 38, lines 20-30) and object distance according to said object position data and said digital camera position data (column 34, lines 54-67; column 6, lines 15-33; column 36, lines 10-26); and

recording means for recording information of at least one of said latitude and longitude coordinates of said object, said latitude and longitude coordinates of said digital camera, said camera azimuth and said object distance, in association with said image data (column 38, line 66 – column 39, line10).

Regarding claim 2, Kimura et al. discloses a photography system, wherein said first position detecting device and said second position detecting device include GPS modules respectively (GPS 245, figure 53; GPS 232, figure 46).

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Regarding claim 3, Kimura et al. discloses wherein said transmitting device and said receiving device transmit/receive data via radio waves (radio system, column 40, lines 1-10) or a relay system.

Regarding claim 4, Kimura et al. discloses wherein said transmitting device and said receiving device are dielectric antennas (antenna GPS receiver, column 14, lines 10-16).

Regarding claim 5, Kimura et al. discloses at least one information on said latitude and longitude coordinates of said object, said latitude and longitude coordinates of said digital camera, said camera azimuth, and said object distance, is recorded as tag information which constitutes said image file (the position information of the object is stored in memory 243, column 39, lines 1-10, and see abstract).

Regarding claims 7-11, claims 7-11 are method claims of apparatus claims 1-5, respectively. Therefore, see Examiner's comments regarding claims 1-5.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US 5,913,078) in view of Maki (US 5,884,199).

Regarding claims 6 and 12, Kimura et al. discloses said position detecting unit comprising:

a main body (GPS 245 and transmitter 246, figure 52);

a radio antenna (transmitter 246 has an antenna, figure 52) having directivity for sending a radio signal, and being mounted to said main body.

Kimura et al. fails to specifically disclose wherein said main body works as a reflector; a GPS module. However, Maki teaches the GPS antenna element 3a is mounted on a print circuit board 3b, the print circuit board 3b serves as a reflector. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kimura et al. by the teaching of Mika in order to obtain a good reception of GPS radio waves (column 4, lines 15-20).

Kimura et al. and Mika fail to specifically disclose that a distance between a bottom of said support member and said radio antenna is equal to or longer than one wavelength of said radio signal. However, Official Notice is taken that it is well known in the art to mount an antenna at a height longer than one wavelength of radio signal in order to obtain a good reception of GPS radio waves. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kimura et al. and Mika by mounting the antenna at a height longer than one wavelength of radio signal in order to obtain a good reception of GPS radio waves.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kojima (US 5,262,867) discloses electronic camera and device for panoramic imaging and object searching.

Tsuchiya et al. (US 5,267,042) discloses image pickup device for automatically recording the location where an image is recorded.

Murphy et al. (US 6,282,362) discloses geographical position/image digital recording and display system.

Battle et al. (US 2002/0113879) discloses automatic camera method, apparatus and service.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN  
09/14/07



**LUONG T. NGUYEN**  
**PATENT EXAMINER**